
SYMPOSIUM: THE IMPACT OF THE ARAB SPRING THROUGHOUT THE MIDDLE EAST & NORTHERN AFRICA: BUILDING THE RULE OF THE LAW AND THE ROLE OF THE INTERNATIONAL COMMUNITY IN DOMESTIC CONFLICTS

INTRODUCTION

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The revolutions throughout the Middle East and Northern Africa, which began in December 2010¹ and continue to present day, have captured the world's attention. Like many others, the organizers of the *American University International Law Review* ("AUILR") symposium were surprised by the fall of leaders in Arab countries, liberated by the courage and tenacity of the protestors, and outraged by the insurmountable death tolls and the grave human rights violations that were alleged to have been committed. Consequently, the symposium organizers thought they would be remiss not to hold a symposium focused on the legal and quasi-legal issues raised by the Arab Spring.

In its symposium titled "The Impact of the Arab Spring Throughout the Middle East & Northern Africa: Building the Rule of the Law and the Role of the International Community in Domestic Conflicts," the AUILR set out to understand the origins of the revolution, to discuss how freedom and democracy could be obtained in regions that have historically been dictatorships, to depict the role of the international community in internal state disputes, and to explore the future of international law as a result of the ongoing Arab Spring.

This introduction highlights the key topics addressed in the four panel discussions of the AUILR symposium: 1) The People Demand the Fall of the Regime: The Social and Legal Origins of the Arab Spring, 2) New Law for a New Day: Legal Reforms & Democratization in the Wake of the Arab Spring, 3) Protection in Practice: Intervention, Accountability, and the Role of the International Community in Domestic Conflicts, and 4) Revolt, React, Revise: Challenges, Opportunities, and Lessons Learned in Light of the Arab Spring. The articles that follow this introduction expound on the topics covered in the panel discussions and were written by symposium participants.

1. See Rania Abouzeid, *Bouazizi: The Man Who Set Himself and Tunisia on Fire*, TIME MAG., Jan. 21, 2011, <http://www.time.com/time/magazine/article/0,9171,2044723,00.html> (explaining that the revolution began when Mohammed Bouazizi, a Tunisian vegetable vendor, set himself on fire after a policewoman confiscated his cart and vegetables for not having a license and then allegedly slapped him, spit in his face, and insulted his deceased father).

I. THE PEOPLE DEMAND THE FALL OF THE REGIME: THE SOCIAL AND LEGAL ORIGINS OF THE ARAB SPRING

Panel one of the AUILR symposium examined a number of common frustrations, oppressive laws, and social and historical factors that set the tone for mass revolt in Egypt, Libya, Yemen, Syria, and the Arab world as a whole. Panelists shed light on the fact that the Arab world was one of the only outliers to democratized societies in the world; that corruption and human rights conditions were intolerable in certain regions; and that youth and women, who had been historically oppressed, longed for dignity and equal treatment. Panelists also discussed the important role of Islamic and Sharia law in these conflicts. Speakers on this panel included Jonathan Brown, Assistant Professor, Georgetown University; Stephen Grand, Director of U.S. Relations with the Islamic World, The Brookings Institution; Loubna Skalli-Hanna, Assistant Professor, International Development Program, School of International Service, American University; David Tafuri, Partner, Patton Boggs LLP, counsel to the National Transitional Council of Libya; Former Rule of Law Coordinator for Iraq, U.S. Department of State; and Moderator: Padideh Ala'i, Professor, American University Washington College of Law.

II. NEW LAW FOR A NEW DAY: LEGAL REFORMS & DEMOCRATIZATION IN THE WAKE OF THE ARAB SPRING

Panel two of the AUILR symposium examined the changes and strategies needed to create free and open societies in Arab countries after the fall of leaders in Tunisia, Egypt, Libya, and Yemen. Panelists expounded on the necessary components of constitutions and statutes, the many challenges of applying Sharia and Islamic law to newly democratic societies, and various strategies needed to ensure that human rights would be protected when building the rule of law in these regions. In addition, panelists discussed the important role that the judiciary, non-governmental organizations, and other institutions can play in this process. Speakers on this panel included Yussef Auf, Judge, Supreme Judiciary Council, Giza Court of First Instance, Cairo, Egypt, and Humphrey Fellow, American University

Washington College of Law; Nathan Brown, Professor of Political Science and International Affairs, George Washington University, and Nonresident Senior Associate, Carnegie Endowment for International Peace; Hamid Khan, Program Officer, Rule of Law Center, United States Institute of Peace; Stephen McInerney, Executive Director, Project on Middle East Democracy; and Moderator: Paul Williams, Professor of Law & International Relations Director of the JD/MA Dual Degree Program, American University Washington College of Law.

III. PROTECTION IN PRACTICE: INTERVENTION, ACCOUNTABILITY, AND THE ROLE OF THE INTERNATIONAL COMMUNITY IN DOMESTIC CONFLICTS

The third panel of the AUILR symposium looked at the role of the international community both as an intervening force and as a means of holding country leaders accountable for crimes committed against their own citizens. Specifically, panelists discussed the Responsibility to Protect (“R2P”) doctrine as applied through the North Atlantic Treaty Organization’s intervention in Libya, and they provided possible explanations for the lack of international intervention in other Arab countries. Further, panelists discussed whether leaders should be held accountable for past abuses, including war crimes and crimes against humanity, and the role of the International Criminal Court (“ICC”) in prosecuting these crimes. Speakers included Simon Adams, Executive Director, The Global Centre for the Responsibility to Protect; Noura Erakat, Adjunct Assistant Professor, Center for Contemporary Arab Studies (“CCAS”), Georgetown University; Michael Wahid Hanna, Fellow, The Century Foundation; Sarah Leah Whitson, Executive Director, Middle East and North Africa Division, Human Rights Watch; and Moderator: Robert Goldman, Professor of Law, American University Washington College of Law.

IV. REVOLT, REACT, REVISE: CHALLENGES, OPPORTUNITIES, AND LESSONS LEARNED IN LIGHT OF THE ARAB SPRING

The final panel served as a summarizing panel where panelists examined potential lessons learned from the application of

international law in the ongoing Arab Spring. Panelists discussed whether the R2P doctrine was strengthened or weakened as a result of the Arab Spring, whether the National Transitional Council of Libya exercised effective control over its territory to be recognized under international law, and whether the UN Human Rights Council's independent commissions of inquiry for Libya and Syria had been successful in addressing the human rights crises associated with some of the Arab Spring protests. Speakers included Rosa Brooks, Professor of Law, Georgetown University Law Center; Juan Mendez, Visiting Professor of Law, American University Washington College of Law; Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, The United Nations; Anna Triponel, Director of the Libya Project, Public International Law and Policy Group; Ruth Wedgwood, Edward Burling Professor of International Law and Diplomacy, Johns Hopkins University, and former U.S. Member, U.N. Human Rights Committee; and Moderator: Diane Orentlicher, Professor of Law, American University Washington College of Law.